

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICKIE DONALD,

No. C 14-03571 YGR (PR)

Petitioner,

ORDER OF DISMISSAL

v.

K. CHAPPEL, Warden,

Respondent.

This action was opened in error when the Court received the first page of a state habeas petition form from Petitioner, another document entitled, "Petitioner's Request for Reconsideration of Petition (Habeas Corpus)," and an *in forma pauperis* application that were all intended to be filed in a previously-filed civil rights action before the Honorable William H. Orrick -- Case No. C 14-3569 WHO (PR). However, when Petitioner filed the aforementioned documents, he did not indicate that they were to be filed in Case No. C 14-3569 WHO (PR). Therefore, as mentioned above, a new action was opened.


On September 4, 2014, Petitioner informed the Court that he had filed the aforementioned documents as "supporting documentation to his civil rights claim against Defendant C. Cross, Case No. CV-14-3569 [WHO] (PR)." Dkt. 9 at 2-3. Petitioner currently has two separate actions pending, although he meant to file only one civil rights action. Accordingly, the Clerk of the Court is directed to remove the aforementioned documents (dkt. 1) from this action along with his *in forma pauperis* application (dkt. 2) and all other documents filed by Petitioner. The Clerk is then directed to file them in his previously-filed action, Case No. C 14-3569 WHO (PR). The Clerk is further directed to mark his *in forma pauperis* application and all other documents as filed on the dates they

1 were received by the Court. The Court will review these documents and any other pending
2 complaints or motions in a separate written Order in Case No. C 14-3569 WHO (PR).

3 The present action is DISMISSED because it was opened in error. No filing fee is due. The
4 Clerk shall close the file.

5 IT IS SO ORDERED.

6 DATED: September 18, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
For the Northern District of California